

In The United States District Court
For The District Of Delaware

25

Robert Piper
Plaintiff

v.

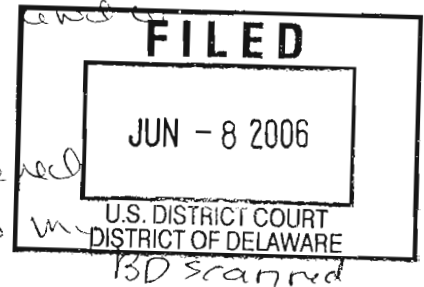
Rick Kearney, David Jacobs
and D.O.C
Defendants

}
}
} CA No 05-341-SLR
}
}
}

Comes now the Plaintiff answering defendants
motion to Dismiss Summary Judgment.
Below the following facts are asserted
1. The plaintiff has a will continue to
give supporting facts to his claim of
his 8th amendment being violated

2. I'm at no time whatsoever
stopped at any table, to take and
pass away food.

3. Not once did I ever stop and
start stuffing my food into my
mouth



3. At disciplinary hearing I did not
plead guilty but was told I would be
found guilty, reason being I didn't
immediately make an effort to get up
in I ask to see a Lt. so that was
disobeying direct order



4. Plaintiff filed on behalf of property which was made in an accurate statement, eight envelopes at 66¢ apiece and 2 boxes of Halls priced at \$12.00 a box not 61¢ a box as the defendants have it marked

5. Defendant did violate my 8th Amendment rights, by the use of unnecessary force and by the unlawful denying me of food

6. All could of been avoided if officer would of listened to other I/As or just read the log book as stated

7. This was not and is not a common daily practice

8. I was able to make and read incident report because I was never afforded the opportunity to see medical

9. All truths will be put forth if given the chance

In the United States District Court
For The District OF DE

Robert Piper Plaintiff, *

v. *

No. 05-341, SLR

Rick Kearney David Jacobs,
Amc DOC Defendants *

MOTION FOR : Amendment Plaintiffs 1983 Brief

COMES NOW, the petitioner, Robert Piper, pro se
and moves this Honorable Court to grant this writ for the following reasons:

Plaintiff has limited access to the law library
and materials needed at the time for case.
So Plaintiff respectfully request that this
Honorable Court Grant both motions. Statements
and cases that the Plaintiff wishes to add are below.

Hickey-v-Reeder 12 F.3d 754, 758, 759 8th Cir 1993

Valdez v-Farmon 766 F.Supp. 1529, 1535 E.D.CA 1991

Willis-v-Bell 726 F.Supp 1118, 1121-22 N.D. Ill. 1989

Moss v-Ward 450 F.Supp. 591, 595-597 W.D.N.Y. 1978

Schneekloth v-Bustamonte 418 US 218, 226, 93 S.Ct.
2041, 2047, 36 L.Ed.2d 854 1973

WHEREFORE, due to the foregoing reasons, the petitioner requests that this
writ be granted and an order issued for his release.

Dated: 6-26-06

Robert Piper 170365
Sussex Correctional Institution
Route 113, P.O. Box 500
Georgetown, DE 19947

IN THE District COURT OF THE STATE OF DELAWARE
IN AND FOR NEWCASTLE COUNTY

Robert Piper

Plaintiff/s

V.

Rick Kearney, Daniel Jacobs
AND D.O.C. Defendant/s

STATE OF DELAWARE

COUNTY OF SUSSEX

*
*
*
*
*
*
*
*
*
*

05-341 Action #: SCR

AFFIDAVIT OF Signature of Brief Filed

I, Robert Piper, being duly sworn, deposes and says:

On 6-13-06 I Robert Piper receive letter from you stating that my signature was used to further go on with my brief filing. Please except this as my signature.

Subscribed and Sworn before me

this 26th day of June, 2006.

Judith Ann Lederman

JUDITH ANN LEDERMAN
NOTARY PUBLIC, STATE OF DELAWARE
My Commission Expires August 19, 2007

Robert Piper
Sussex Correctional Institution
Route 113, P.O. Box 500
Georgetown, DE 19947

170865

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Peter T. Dalleo
CLERK OF COURT

LOCKBOX 18
844 KING STREET
U.S. COURTHOUSE
WILMINGTON, DELAWARE 19801
(302) 573-6170

June 13, 2006

TO: Robert Piper
SBI #170365
Sussex Correctional Institution
P.O. Box 500
Georgetown, DE 19947

RE: Deficiency for Lack of Signature; 05-341(SLR)

Dear Mr. Piper:

Papers have been received by this office for filing in the above matter which do not conform to: Federal Rules of Civil Procedure.

The papers will be docketed but no action will be taken by the Court until the discrepancies are corrected. In order for your document to be acceptable for filing, it **must have an original signature**, and this must be indicated on an Affidavit or Certificate of Service, attached to the back of your request (motion or pleading).

Your corrected filing should be sent to this office for processing

KINDLY RETURN A COPY OF THIS LETTER WITH YOUR CORRECTED DOCUMENTS.

Sincerely,

/ead

PETER T. DALLEO
CLERK

cc: The Honorable Sue L. Robinson
enc: Copy of DI 25

I/M: Robert Pifer BLDG: M10
SUSSEX CORRECTIONAL INSTITUTION
P.O. BOX 500 17036
GEORGETOWN, DELAWARE 19947

63
*
1056 U.S. POSTAGE PB2230370*
7954 \$00.630 JUN 29 06*
5176 FROM ZIP CODE 19947

United States District Court
Lock Box 18
844 King Street
U.S. Court House
Wilmington Delaware 19801

U.S.M.
X-R

100
100

15601+3519-99 0012